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ILLINOIS MEDICAL PRACTICE ACT

1911.

Medicine and Surgery

Practice Regulated.

AN ACT TO REGULATE THE PRACTICE OF MEDICINE IN THE STATE OF ILLINOIS, AND TO REPEAL AN ACT THEREIN NAMED, APPROVED APRIL 24, 1899, AS AMENDED BY ACTS APPROVED JUNE 4, 1907, JANUARY 25, 1908 AND MAY 29, 1911.

SECTION 1. ORGANIZATION AND DUTIES OF STATE BOARD OF HEALTH. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the State Board of Health shall organize within three months after the passage of this act; it shall procure a seal and shall receive through its Secretary applications for certificates and examinations. The President and Secretary shall have the authority to administer oaths, and the board to take testimony in all matters relating to its duties.

SEC. 2. LICENSES FROM STATE BOARD OF HEALTH REQUIRED—APPLICATIONS FOR LICENSE—EXAMINATIONS—GRADUATES OF LEGALLY CHARTERED MEDICAL COLLEGES IN ILLINOIS IN GOOD STANDING GRANTED CERTIFICATES.] No person shall hereafter begin the practice of medicine or any of the branches thereof, or midwifery, in this State without first applying for and obtaining a license from the State Board of Health to do so. Application shall be in writing, and shall be accompanied by the examination fees hereinafter specified, and with proof that the applicant is of good moral character. Applications from candidates who desire to practice medicine and surgery in all their branches shall be accompanied by proof that the applicant is a graduate of a medical college or institution in good standing, as may be determined by the Board. When the application aforesaid has been inspected by the Board and found to comply with the foregoing provisions, the Board shall notify the applicant to appear before it for examination, at the time and place mentioned in such notice.

Examinations may be made in whole or in part in writing by the Board, and shall be of a character sufficiently strict to test the qualifications of the candidate as a practitioner. The examination of those who desire to practice medicine and surgery in all their branches shall embrace those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine, by reputable medical colleges in the United States. The examination of those who desire to practice midwifery shall be of such a character as to determine the qualification of the applicant to practice midwifery. The examination of those who desire to practice any other system or science of treating human ailments who do not use medicines internally or externally, and who do not practice operative surgery shall be of a character sufficiently strict to test their qualifications as practitioners.

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All examinations provided for in this act shall be conducted under rules and regulations prescribed by the Board, which shall provide for a fair and wholly impartial method of examination: *Provided*, that graduates of legally chartered medical colleges in Illinois in good standing as may be determined by the Board may be granted certificates without examinations. (1899.)

Sec. 2a. Examination Required—Temporary Licenses Permitted.] The State Board of Health shall require that every applicant for a license to practice medicine and surgery in all their branches, in the State of Illinois (excepting only those physicians who may be entitled to a license under Section 3a of the act to which this act is an amendment) shall present proof satisfactory to said Board that he is a graduate of a medical college in good standing, as may be determined by the State Board of Health, and pass, before said Board, an examination embracing those general subjects and topics, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine, by reputable medical colleges in the United States: *Provided*, that the State Board of Health may, in its discretion, admit to examination a student who has completed, in a medical college determined in good standing, the course of instruction required by the rules of said Board in medical colleges determined in good standing, and who has passed the examinations of said college, but has not received a diploma: *Provided, further*, that the said medical college shall require as a pre-requisite to graduation, a course of study extending over at least five calendar years. And if said student pass the examinations of the said Board it may issue to him a limited license authorizing him to practice medicine and surgery in a hospital approved by said Board and in no other place whatsoever in the State of Illinois, which limited license shall remain in effect for a period not exceeding eighteen months from the date thereof, and the State Board of Health may then issue to the applicant the regular permanent license of the Board without further examination or fee, on condition that the applicant present a diploma from the medical college in which he had completed a course, as prescribed by the rules of the said Board, previous to the issuance of the limited license hereinbefore mentioned, and otherwise complies with the requirements of the Board and with th provisions of the act to which this act is an amendment. (1911.)

Sec. 2b. Admission to Medical College—Preliminary Education—Standard Fixed by State Board of Health.] The State Board of Health shall be empowered to establish a standard of preliminary education deemed requisite to admission to a medical college in "good standing," and to require satisfactory proof of the enforcement of this standard by medical colleges: *Provided*, that the Board shall not recognize examinations of applicants for admission to medical colleges, that have been conducted by the faculty or officers of a medical college: *And provided, further* that the diploma of an approved high school or equivalent school having a course of studies requiring an attendance through four school years, or a certificate of having passed a satisfactory examination beefore the State Superintendent of Public Instruction, or like State officer, in the studies embraced in the curriculum of such approved high school shall be considered satisfactory evidence of preliminary education: *And provided still further*, that the Illinois State Superintendent of Public Instruction shall be empowered to exact a fee of five dollars from each applicant for such examination. The Board shall also be empowered to determine the standing of literary or scientific colleges, high schools, seminaries, normal schools, preparatory schools, and the like, and the Board may, in its discretion, accept as the equivalent of one or more of the sessions or terms prescribed in its requirements governing medical colleges in "good standing," attendance in a literary or scientific college in "good standing" as evidenced by a degree from said institution, providing that the standards of said literary or scientific college are fully equal to those of the State University of Illinois. (1908.)

Sec. 3. License to Practice—Provisions.] If the applicant successfully passes his examination, or presents a diploma from a legally chartered medical college in Illinois of good standing, the Board shall issue to such

applicant a license authorizing him to practice medicine, midwifery or other system of treating human ailments, as the case may be: *Provided*, that those who are authorized to practice other systems can not use medicine internally or externally or perform surgical operations: *Provided, further*, that only those who are authorized to practice medicine and surgery in all their branches shall call or advertise themselves as physicians or doctors: *And provided, further*, that those who are authorized to practice midwifery shall not use any drug or medicine or attend other than cases of labor. Such license shall be in such form as may be determined by the Board and in accordance with the provisions of this act: *Provided, however*, that any wilful violation on the part of an applicant of any of the rules and regulations of the Board, governing examinations shall be sufficient cause for the Board to refuse to issue a license to such applicant. Such certificates shall be signed by all members of the Board and attested by the Secretary. (1899.)

Sec. 3a. When License May be Issued Without Examination.] The State Board of Health may, in its discretion, issue a license, without examination, on the payment of the proper fees, to a physician, who is a graduate of a medical college in good standing, and has been licensed in any country, state or territory, in which the requirements of medical registration are deemed by the State Board of Health to have been practically equivalent to the requirements of medical registration in force in Illinois, under the provisions of the act to which this act is an amendment: *Provided*, that such country, state or territory, shall accord a like privilege to physicians who hold licenses issued by the Illinois State Board of Health. And the State Board of Health may also, in its discretion, issue a license, without examination, to a physician who is a graduate of a medical college in good standing, and has passed an examination before the United States Army, the United States Navy, or the United States Public Health and Marine Hospital Service. (1907.)

Sec. 3b. Compensation.] For their services performed in the enforcement of this act and the act to which this act is an amendment, the members of the State Board of Health shall receive a compensation of ten (10) dollars per day for each and every day actually spent in attending to the business of the Board: *Provided*, that the Board may fix a sum to be paid for each examination paper rated: *And provided, further*, that all such compensation shall be paid from the fees received by the Board and no part thereof shall be paid out of the State Treasury. (1907.)

Sec. 4. Certificates to be Recorded in Office of County Clerk—Records of County Clerk.] Every person holding a certificate from the State Board of Health shall have it recorded in the office of the clerk of the county in which he resides or practices within three months from its date, and the date of recording shall be endorsed thereon. Until such certificate is recorded, as herein provided, the holder thereof shall not exercise any of the rights or privileges conferred therein. Any person practicing in another county shall record the certificate in like manner in the county in which he practices, and the holder of the certificate shall pay to the county clerk the usual fee for making the record. The county clerk shall keep, in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the issue of the certificate. The register of the county clerk shall be open to public inspection during business hours. (1899.)

Sec. 5. Examination Fees.] The fees for examination and for a certificate shall be as follows: Ten (10) dollars for examination in medicine and surgery, and five (5) dollars for a certificate if issued. Five (5) dollars for an examination in midwifery, and three (3) dollars for a certificate if issued. For all other practitioners ten (10) dollars for an examination and five (5) dollars for a certificate if issued. (1899.)

Sec. 6. Unprofessional or Dishonorable Conduct—Board May Withhold or Revoke Certificates—Hearing.] The State Board of Health may refuse to issue the certificates provided for in this act to individuals who have been convicted of the practice of criminal abortion, or who have by false or fraudulent representation, obtained or sought to obtain practice in their

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profession, or by false or fraudulent representation of their profession have obtained or sought to obtain money or any other thing of value, or who advertise under names other than their own, or for any other unprofessional or dishonorable conduct, and the Board may revoke such certificates for like causes. *Provided*, that no certificates shall be revoked or refused until the holder or applicant shall be given a hearing before the Board. (1899.)

SEC 7. DEFINITION OF THIS ACT.] Any person shall be regarded as practicing medicine, within the meaning of this act, who shall treat or profess to treat, operate on or prescribe for any physical ailment or any physical injury to or deformity of another: *Provided*, that nothing in this section shall be construed to apply to the administration of domestic or family remedies in cases of emergency, or to the laws regulating the practice of dentistry or of pharmacy. And this act shall not apply to surgeons of the United States Army, Navy or Marine Hospital Service in the discharge of their official duties, or to any person who ministers to or treats the sick or suffering by mental or spiritual means, without the use of any drug or material remedy. (1899.)

SEC. 8. ITINERANT VENDERS—LICENSE—PENALTIES.] *Declared unconstitutional by Supreme Court.*

SEC. 9. PENALTY FOR PRACTICING WITHOUT LICENSE.] Any person practicing medicine or surgery or treating human ailments in the State without a certificate issued by this Board in compliance with the provisions of this act, or any itinerant vender violating the provisions of section 8 of this act, shall for each and every instance of such practice or violation forfeit and pay to the people of the State of Illinois, for the use of the said Board of Health, the sum of one hundred (100) dollars for the first offense, and two hundred (200) dollars for each subsequent offense, the same to be recovered in an action of debt before any court of competent jurisdiction, and any person filing or attempting to file as his own the diploma or certificate of another, or a forged affidavit of identification, shall be guilty of a felony, and upon conviction shall be subject to such fine and imprisonment as are made and provided by the statutes of the State for a crime of forgery: *Provided*, that this section shall not apply to physicians who hold unrevoked certificates from the State Board of Health issued prior to the time of the taking effect of this act. (1899.)

SEC. 10. ENFORCING PENALTIES—APPEALS.] Upon conviction of either of the offenses mentioned in this act the court shall, as a part of the judgment, order that the defendant be committed to the common jail of the county until the fine and costs are paid, and upon failure to pay the same immediately the defendant shall be committed under said order for first offense not more than thirty (30) days, and for each subsequent offense not more than ninety (90) days: *Provided*, that either party may appeal in the same time and manner as appeals may be taken in other cases, except that where an appeal is prayed in behalf of the people, no appeal bond shall be required to be filed, whether the appeal be from the justice of the peace or from the county or circuit courts, or from the Appellate Court. But it shall be sufficient in behalf of the people of the State of Illinois, for the use of the State Board of Health, to pray an appeal, and thereupon appeal may be had without bond or security. (1899.)

SEC. 11. BOARD TO MAKE REPORT OF PROCEEDINGS.] On the 30th day of September of each year, the State Board of Health shall make a report showing all items of receipts from all sources and disbursements for all purposes, and all expenses incurred by the members of said Board, except attorney fees, in the enforcement of the act, to which this act is an amendment, and all compensation provided for therein to said members may be paid out of the State Treasury on appropriation being made therefor by the General Assembly. (1911.)

SEC. 12. REPEAL.] An act to regulate the practice of medicine in the State of Illinois, approved June 17, 1887, in force July 1, 1887, and all other acts and parts of acts inconsistent with this act are hereby repealed. (1899.)